

IN THE COUNTY COURT AT LAW NUMBER SIX
EL PASO COUNTY, TEXAS

WESTAR INVESTORS GROUP, LLC,
SUHAIL BAWA, and SALEEM MAKANI,

Plaintiffs

V.

No. 2020DCV0914

THE GATEWAY VENTURES, LLC,
PDG PRESTIGE, INC., MICHAEL DIXSON,
SURESH KUMAR, and BANKIM BHATT,

Defendants.

RESPONSE TO MOTION TO COMPEL

COME NOW, Defendants THE GATEWAY VENTURES, LLC, PDG PRESTIGE, INC., and MICHAEL DIXSON (collectively “The Gateway Defendants”), and files this Response to Plaintiffs’ Motion to Compel, and would show the Court as follows:

1. Plaintiffs and The Gateway Defendants have been working the last few months on a possible resolution to the claims made by Plaintiff, and Plaintiffs had agreed, at least in principle, to extend the deadline for responses from The Gateway Defendants at least as late as the end of July. Unfortunately, the parties were not able to reach a resolution. The Gateway Defendants have served Responses to Plaintiffs' First Set of Requests for Production as well as Answers to Plaintiffs' First Set of Interrogatories as of the date of filing this Response. The Gateway Defendants will continue to supplement the responses and answers as discovery continues in this matter.

2. Only remaining issues between The Gateway Defendants and Plaintiffs are Plaintiffs' requests for bank and financial information from Michael Dixson, Individually, The Gateway Ventures, LLC, and PDG Prestige, Inc. The Gateway Defendants' position is that the

discovery of financial information from Michael Dixson and PDG Prestige, Inc. should not be ordered without a finding and Order from this Court pursuant to TEX. CIV. PRAC. & REM. CODE Ch. 41. The members of The Gateway Ventures, LLC are PDG, Inc., as Managing member, and Westar Investors, LLC. As a member of The Gateway Ventures, LLC, The Gateway Defendants agree that Westar Investors, LLC are entitled to accounting information for The Gateway Ventures, LLC pursuant to The Gateway Ventures, LLC Operating Agreement. That being said, financial information from PDG, Inc. and Michael Dixson individually have no bearing on this matter other than for a claim for exemplary damages. Until this Court determines discovery of such information should be made pursuant to Ch. 41, The Gateway Defendants request that the Court table Plaintiffs' requests for now, and revisit the requests for financial information when and if an order pursuant to Ch. 41 is entered.

WHEREFORE, PREMISES CONSIDERED, The Gateway Defendants respectfully request the Court to deny Plaintiffs' Motion to Compel, and for such other and further relief, general or special, at law or in equity, to which The Gateway Defendants may be justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was sent via the Court's efiletexas.gov system and/or via email or mail this 24th day of August, 2020, to the following attorney of record:

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/s/ Chantel Crews
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